

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

8 DONALD CHRISTOPHER MOORE, )  
9 Plaintiff, ) CASE NO. C09-592RSM  
10 v. )  
11 STATE OF WASHINGTON, *et al.*, ) ORDER OF DISMISSAL  
12 Defendants. )

The Court, having reviewed the Report and Recommendation of the Honorable Brian A. Tsuchida, United States Magistrate Judge, and the balance of the record, does hereby find and

## ORDER:

- (1) The Court adopts the Report and Recommendation.
  - (2) Plaintiff's complaint (Dkt. No. 4), and this action, are DISMISSED without prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) and (iii).
  - (3) The Clerk is directed to send copies of this Order to plaintiff and to the Honorable Brian A. Tsuchida.

DATED this 13<sup>th</sup> day of November, 2009.

  
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**RICARDO S. MARTINEZ**  
**UNITED STATES DISTRICT JUDGE**

26 ORDER OF DISMISSAL